

Chapter 9

AVIATION*

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ARTICLE I. IN GENERAL

Sec. 9-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Aircraft: Any airplane, hydroairplane, seaplane, dirigible, balloon or other apparatus carrying one or more persons into or through the air, whether propelled and sustained by air currents or by power or motors contained in such aircraft.

Emergency place of landing: Any place where a landing may be effected in an emergency without unduly endangering life or property on such place of landing.

Known, established, recognized field or place of landing: A public or private field or place of landing where the landing of airplanes is permitted by the owners thereof and such fact is publicly known.

Limits of the city: All territory within the city limits and all space thereover. (Code 1959, § 3-1)

Sec. 9-2. Name of airport, field.

The name of the airport owned by the city in Campbell County shall be the Lynchburg Regional Airport and the name of the field at said airport shall be the Preston Glenn Field. (Code 1959, § 3-2; Ord. No. O-90-321, 10-23-90, eff. 1-1-91)

Sec. 9-3. Airport manager—Position authorized, term.

There shall be an airport manager whose term of office shall be at the pleasure of the city manager. (Code 1959, § 3-2)

Sec. 9-4. Same—Duties general.

The airport manager shall have general control and management of the Lynchburg Regional Airport under the direction of the city manager. It shall be the duty of the airport manager to see that the grounds, buildings and other city property at said airport are maintained in proper condition. He shall be responsible for planning, organizing, directing and administering all functions and activities of said airport. He shall represent the city in dealing with the Federal Aviation Administration, airlines, fixed base operators, concessionaires and other users of the airport. He shall be responsible for negotiating and administering all airport leases. He shall conduct research and operational planning as required to make recommendations for the development and expansion of the airport to meet aviation growth and community needs. He shall be responsible for maintaining liaison with federal, state and local agencies. He shall supervise the

***Charter reference**—Authority to establish and regulate airports, § 35(5)

Cross references—Department of Public Works, § 2-225 et seq.

State law reference—Authority to acquire, construct, operate and maintain airports, Code of Virginia, § 5.1-31 et seq.; police jurisdiction of local authorities, Code of Virginia, § 5.1-23.

enforcement of all laws and regulations of the Federal Aviation Administration, state and city pertaining to said airport. (Code 1959, § 3-3; Ord. No O-91-224, 9-10-91, eff. 10-1-91)

Sec. 9-5. Airport employees.

There shall be appointed by the city manager, upon recommendation of the airport manager, such employees for the Lynchburg Regional Airport as are necessary to maintain and operate such airport. (Code 1959, § 3-4; Ord. No. O-91-224, 9-10-91, eff. 10-1-91)

Sec. 9-6. Rules and regulations generally.

The city manager is hereby authorized to make and promulgate general rules and regulations dealing with the use and operation of the airport, including establishment of traffic and taxi patterns for aircraft; provided, however, that no such rule or regulation shall be valid when in conflict with applicable laws of the United States, this state or any rule or regulation promulgated pursuant thereto. (Code 1959, § 3-5)

Sec. 9-6.1. City ordinances.

Pursuant to the provisions of Section 15.1-142 and 15.1-142.1 of the Code of Virginia (1950), as amended, all of the ordinances of the Code of the City of Lynchburg (1981), as amended, shall be applicable to the property owned by the City in Campbell County and operated as the Lynchburg Regional Airport. The members of the Lynchburg Police Department, having powers of arrest in the City, may go or may be sent to the Lynchburg Regional Airport for the purpose of protecting the airport property, keeping order therein, and otherwise enforcing the City's ordinances and laws of the Commonwealth of Virginia on the airport property. In addition to exercising full police powers at the Lynchburg Regional Airport such police officers shall also have the power to make arrests for the violation of any ordinances or laws occurring on the airport property. In the event any ordinance of the City of Lynchburg conflict with the provisions of any ordinance duly adopted by Campbell County, the Campbell County ordinance shall prevail. (Ord. No. O-92-220, 7-14-92)

Sec. 9-6.2. Prohibition against carrying weapons, explosives, incendiaries and other items.

Pursuant to the authority granted to the city by the Code of Virginia and the city's general police powers, the city does hereby adopt this section of the city code to prohibit individuals from attempting to carry unauthorized items through the security screening checkpoint at the Lynchburg Regional Airport.

(a) The following terms shall have the meanings set out herein:

(1) For purposes of this section, the "concourse sterile area" shall be defined as that portion of the airport beginning at the entrance to the concourse that provides passengers access to boarding aircraft and to which the access is controlled through the screening of persons and property in accordance with federally required and approved security procedures and programs.

(2) For purposes of this section, "airport" means the Lynchburg Regional Airport.

(b) Except as provided in paragraph (d) of this section, an individual shall not have a weapon, explosive, or incendiary, on or about the individual's person or accessible property:

(1) When performance of the inspection of the individual's person or accessible property before entering the concourse sterile area has begun;

(2) When the individual is entering or in the concourse sterile area; or,

(3) When the individual is attempting to board or onboard an aircraft for which screening is conducted under 49 CFR Section 1544.201, as amended, or 49 CFR Section 1546.201, as amended.

(c) An individual shall not attempt to carry into the concourse sterile area any weapon, explosive, or incendiary, including, without limitation, any firearm, explosive, knife with a blade of any length, straight

razor, box cutter, or item with a similar blade, or any other item prohibited by applicable federal, state, or local law, regulation, or directive.

(d) Paragraphs (b) and (c) of this section do not apply as to the carrying of firearms and other weapons if the individual is one of the following:

(1) Law enforcement personnel required to carry a firearm or other weapons while in the performance of law enforcement duty at the airport;

(2) An individual authorized to carry a weapon in accordance with 49 CFR Sections 1544.219, 1544.221, 1544.223, or 1546.211, as amended; or,

(3) An individual authorized to carry a weapon in a sterile area under a federally approved aviation security program.

(e) Any individual who violates this section shall be guilty of a class 1 misdemeanor and upon conviction shall be punished by confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both, as provided by Section 18.2-11 of the Code of Virginia. (Ord. No. O-02-102, 5-14-02)

Sec. 9-7. Minimum altitude.

(a) No person shall guide or operate an aircraft over any section within the city limits at a height less than such a height as will enable such aircraft to glide to a known, established or recognized, open or unobstructed place of landing, nor shall any person under any circumstances, special or otherwise, guide or operate any aircraft within or above the corporate limits of the city at a height lower than one thousand five hundred (1,500) feet, except at the beginning or ending of flight.

(b) For purposes of aerial photography, persons regularly engaged in the business of aerial photography must obtain a permit from the city manager in order to operate aircraft at a lower altitude than one thousand five hundred (1,500) feet. (Code 1959, § 3-6)

Sec. 9-8. Helicopter landings, takeoffs.

Helicopter landings and takeoffs may be permitted by the city manager or his designee at other than recognized fields or places of landing within the city upon a showing by the applicant that a suitable place of landing has been selected and upon condition that appropriate waivers be obtained from state and federal authorities. (Code 1959, § 3-6; Ord. No. O-82-263, § 1, 12-14-82)

Sec. 9-9. Stunt flying prohibited.

No person shall within or over the limits of the city guide or operate an aircraft in any manner designed to give any demonstration of trick flying, or aerial acrobatics or stunts, or make or cause to be made any manipulation of the control of any such aircraft as may tend to divert such aircraft from its normal flight. (Code 1959, § 3-7)

Sec. 9-10. Dropping of advertisements, etc., prohibited.

No person in any aircraft shall throw, or cause or permit to be thrown out, discharged or dropped, any ballast, instruments, tools, containers, posters, handbills, samples or other material, unless it be directly over a place designated by the council for that purpose. (Code 1959, § 3-8)

Cross reference—Advertising generally, Ch. 3.

Sec. 9-11. Tools, equipment to be secured.

All tools and equipment carried in or upon aircraft shall be adequately fastened in place before leaving the ground and shall so remain except when in actual use. (Code 1959, § 3-8)

Secs. 9-12—9-22. Reserved.

ARTICLE II. FIXED BASE OPERATORS

Sec. 9-23. Compliance with article.

The provisions of this article are hereby established as minimum standards governing the qualifications and operations of general aviation operators and other commercial operators at the Lynchburg Municipal Airport. Prior to the leasing and granting of operating rights at the airport, the applicant shall furnish satisfactory proof that the provisions of this article will be met. (Code 1959, § 3-9)

Sec. 9-24. Scope of service.

All fixed base operators shall be full time, financially sound and progressive business enterprises, with adequately manned and equipped facilities, including office facilities, and shall observe normal or specifically required business hours. Such fixed base operation shall include a full line aircraft dealership representing a major aircraft manufacturer. (Code 1959, § 3-9(1))

Sec. 9-25. Construction standards.

All construction required of fixed base operators shall be in accordance with design and construction standards required or established by the city for the facility or activity involved. All operators shall be required to furnish the city payment and performance bonds commensurate with any construction required under the minimum standards herein fixed or under any contract or lease by and between such operator and city. (Code 1959, § 3-9(2))

Sec. 9-26. Customer conveniences.

All fixed base operators shall provide ample sanitary lounges and rest rooms for their customers and shall make telephone service conveniently and readily available for the public's use. (Code 1959, § 3-9(3))

Sec. 9-27. Liability.

All fixed base operators shall conduct their activities and render their services in a safe, responsible and efficient manner and shall be solely responsible for all of the acts of their agents and/or employees and shall save and hold the city harmless from any act of the operator, its agents and employees. (Code 1959, § 3-9(4))

Sec. 9-28. Rates, charges.

The rates or charges for any and all activities and services offered by fixed base operators shall be determined by the operators, subject to the requirement that all such rates and charges shall be reasonable and be equally and fairly applied to all users of the services. The rates or charges for any and all activities and services offered by fixed base operators shall be subject to the approval of the city when:

- (a) an existing commercial tenant at the airport adds an additional product.
- (b) a new commercial tenant enters into an agreement with the city with the intent of providing products, services, or facilities to the general public at the airport.
- (c) the city receives a complaint regarding the rates and charges currently being charged to the general public by an existing airport tenant. (Code 1959, § 3-5(5); Ord. No. O-01-184, 9-25-01)

Sec. 9-29. Insurance.

All fixed base operators' contracts and leases shall provide for adequate insurance, including hangarkeeper's liability, public liability, products liability, property damage liability, each with clauses indemnifying and holding the city harmless and naming the city as an additional insured, and safety requirements commensurate with and applicable to such operators and their individual activities and services as required by the city. (Code 1959, § 3-9 (6, 16))

Sec. 9-30. Lease required.

No fixed base operator shall be permitted to operate at the airport without a fully executed lease agreement with the city containing provisions for strict compliance with these minimum standards and regulations and containing such other special provisions as may be determined by the city to be necessary on account of any building or other construction which may be required under such lease or any other special circumstances which may be applicable to any such particular operator. (Code 1959, § 3-9(7))

Sec. 9-31. Return of city's investment.

In the event the city constructs the physical plant facilities (hangars, etc.) for use by any fixed base operator under the provisions of any lease or other contract, such lease or contract with such operators shall be on such terms and conditions as to guarantee a full return of the investment within the lease period and reasonable rental for use during such period. (Code 1959, § 3-9(9))

Sec. 9-32. Compliance with applicable laws.

All fixed base operators shall abide by and comply with all of the airport, state and city laws and ordinances, and the rules and regulations of the airport, and shall comply with Federal Aviation Administration regulations pertaining to airports. (Code 1959, § 3-9(10))

Sec. 9-33. Payment of taxes, assessments.

All fixed base operators shall, at their own expense, pay all taxes and assessments against any buildings or other structures placed on the premises by them, as well as all taxes and assessments against the personal property used by them in their operations. (Code 1959, § 3-9(11))

Sec. 9-34. Obstruction lights.

All fixed base operators shall, at their own expense, install, maintain and operate proper obstruction lights on tops of all buildings or other structures used by them in their operations, and shall keep the same lighted from sunset to sunrise if required. (Code 1959, § 3-9(12))

Sec. 9-35. Reservation of rights by city.

(a) The city reserves the right to further develop or improve all areas of the airport as it sees fit, regardless of the desires or views of any fixed base operators, and without interference or hindrance from any fixed base operators. It is so stipulated that the successful fixed base operator shall have the first right of refusal on any future developments wherein it is so indicated to fall within the planned activities of the fixed base operation.

(b) The city reserves the right to enter upon any premises leased to fixed base operators at reasonable times for the purpose of making such inspections as it may deem expedient, to the proper enforcement of these minimum standards and for the proper enforcement of any covenant or condition of any fixed base operator's contract or lease agreement. (Code 1959, § 3-9(13, 14))

Sec. 9-36. Financial responsibility.

Proof of sufficient available operating resources to sustain the operation for a reasonable length of time shall be provided by fixed base operators. Operating resources shall not include prospective profits from the operation. (Code 1959, § 3-9(15))

Sec. 9-37. Hours of operation; minimum personnel.

The fixed base operation shall be open for business seven (7) days per week from official sunrise to sunset, with sufficient personnel available to handle peak business periods. The following employees shall be on duty, and available, during regular business hours; namely: At least one line serviceman, one FAA certificated commercial pilot and/or flight instructor, and one FAA certificated mechanic, except said mechanic is not required to be available on Sunday or holidays. (Code 1959, § 3-9(17))

Sec. 9-38. Required services.

The following equipment facilities and personnel shall be provided by each fixed base operator for the furnishing of the services set forth below:

(a) Line service (aircraft refueling):

- (1) An approved fuel tank farm of not less than thirty thousand (30,000) gallons, storing aviation kerosene and the most commonly used octanes of aviation gasoline.
- (2) Approved refueling trucks (at least 2) sufficient to dispense the above-mentioned aviation fuels.
- (3) Equipment and stocks to satisfactorily dispense various weights of oil.
- (4) Mechanized equipment and tow bars to satisfactorily handle all popular twin-engine and single-engine aircraft.
- (5) Auxiliary starting and aircraft heating units.
- (6) Aircraft battery recharging units.
- (7) Aircraft tire repair and inflation.
- (8) Aircraft cleaning (interior and exterior).

All equipment, operational procedures, maintenance dispensing, etc., shall meet current standards, operational recommendations and performance of the American Petroleum Institute and the Federal Aviation Administration. Line service personnel shall be skilled and trained in servicing of aircraft and presenting a uniformed, neat, tidy appearance at all times. All incoming transient aircraft shall be properly directed, parked and checked.

Flight service:

- (1) Aircraft and personnel sufficient to accommodate the public through FAA approved primary pilot training flight and ground school curriculum, and must maintain offices and classrooms under lease from the city to conduct such operation.
- (2) Aircraft rental, charter and air taxi service shall meet all FAA requirements for such services. Charter service must provide single-engine and both pressurized and nonpressurized multi-engine aircraft.
- (c) Maintenance service: Maintain adequate personnel, at least one (1) of which is an FAA approved A & P mechanic capable of providing aircraft mechanical services to accommodate the public. Establish and maintain such facilities and inventory to accomplish proper aircraft maintenance as approved by FAA.

(d) Aircraft sales: Maintain a contractual affiliation with at least one major producer of aircraft to offer for sale an adequate inventory of such aircraft. Adequate sales personnel should be employed, trained specifically and employed directly in aircraft sales to include aircraft financing, etc. (Code 1959, § 3-9)

Secs. 9-39—9-49. Reserved.

ARTICLE III. REGIONAL AIRPORT COMMISSION

Sec. 9-50. Establishment.

There is hereby established a Regional Airport Commission to assist the city in planning, organization, direction and administration of the Lynchburg Regional Airport. (Ord. No. O-90-321, 10-23-90, eff. 1-1-91)

Sec. 9-51. Appointment.

The commission shall consist of nine (9) members, all of whom shall be appointed by the Lynchburg City Council and none of whom may be elected representatives of the Commonwealth or any political subdivision thereof. Three (3) commission members shall be appointed to represent the Central Virginia region, including the City of Bedford as well as the counties of Amherst, Bedford, Campbell and Appomattox and shall be either private citizens or business persons who have an aviation background or who represent businesses that rely heavily on the airport. Five (5) commission members shall be residents of the City of Lynchburg who are representatives of aviation interests or major users of the airport or the citizenry in general. The final or ninth (9th) commission member shall serve at the pleasure of the Lynchburg City Manager as his designated representative. The City's Airport Manager shall attend all commission meetings in order to keep the commission advised of the status of day-to-day operations at the airport as well as future airport planning and service-related issues; however, the Airport Manager shall not be empowered to act or vote as a member of the commission.

The Lynchburg City Council shall appoint a Chair and a Vice-chair from among the commission members. (Ord. No. O-90-321, 10-23-90, eff. 1-1-91)

Sec. 9-52. Term of office.

Initially, three (3) commission members shall serve for one (1) year, three (3) commission members shall serve for two (2) years and two (2) commission members shall serve for three (3) years. Upon expiration of the terms of each of the original commission members, all appointments shall be made for terms of three (3) years. The City Manager's representative should serve for an indefinite term.

If any commission member is absent without cause for three consecutive meetings or is absent for four meetings in any twelve (12) month period, that member's position shall be deemed vacant.

Vacancies occurring in the membership of the commission shall be filled for the unexpired term in the same manner in which original appointments are made.

Members of the commission shall serve without compensation. (Ord. No. O-90-321, 10-23-90, eff. 1-1-91)

Sec. 9-53. Responsibilities.

The commission shall have the responsibilities as follows:

- (a) Assist the City in marketing the airport through airport marketing programs.
- (b) Work with air carriers to provide additional air service or to improve existing air service.

(c) Consider the introduction of new technology to the airport such as automated weather-reporting systems or radar.

(d) Assist the City generally in determining the future needs of the airport for the purpose of recommending the consideration of improvements.

(e) Make recommendations on such matters as lease fees, selling and/or leasing surplus airport property and airport maintenance operations.

(f) Conduct research and operational planning to assist the City in planning for the expansion of the airport and to meet aviation needs.

(g) Endeavor to raise the consciousness of area citizens, businesses and elected officials in Central Virginia regarding the airport and its role as an important regional resource.

(h) Make recommendations to the City Manager for his consideration in adopting Rules and Regulations pursuant to Section 9-6 of this Chapter. (Ord. No. O-90-321, 10-23-90, eff. 1-1-91)

Sec. 9-54. Procedure.

The commission shall adopt rules and bylaws for conducting its affairs, consistent with ordinances of the City of Lynchburg and general laws of the Commonwealth, and shall meet at regular intervals, to be determined by the bylaws. (Ord. No. O-90-321, 10-23-90, eff. 1-1-91)

Sec. 9-55. Quorum.

For the conduct of any meeting and the taking of any action, a quorum shall not be less than a majority of all members of the commission. (Ord. No. O-90-321, 10-23-90, eff. 1-1-91)

Sec. 9-56. Records and reports.

The Airport Manager shall act as secretary for the commission and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

The commission shall render to the City Council, in writing, an annual report on the affairs and transactions of the commission during the preceding year. (Ord. No. O-90-321, 10-23-90, eff. 1-1-91)

